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7 and for Defendants AEROFLEX INCORPORATED
8 AMI SEMICONDUCTOR, INC., MATROX
9 ELECTRONIC SYSTEMS, LTD., MATROX
GRAPHICS, INC., MATROX INTERNATIONAL
CORP., MATROX TECH, INC., and
AEROFLEX COLORADO SPRINGS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 RICOH COMPANY, LTD.,
15 Plaintiff,

Case No. C03-04669 MJJ (EMC)

Case No. C03-02289 MJJ (EMC)

RESPONSE TO RIOCH'S STATUS REPORT

Judge: Hon. Edward M. Chen

17 AEROFLEX INCORPORATED, AMI
SEMICONDUCTOR, INC., MATROX
18 ELECTRONIC SYSTEMS LTD., MATROX
GRAPHICS INC., MATROX
19 INTERNATIONAL CORP., MATROX TECH,
INC., AND AEROFLEX COLORADO
20 SPRINGS, INC.

Defendants.

SYNOPSYS, INC.,

Plaintiff,

VS.

RICOH COMPANY, LTD.,

Defendant.

Ricoh's Status Report filed on August 29, 2006 addresses two issues that the parties have not met and conferred on. Furthermore, Ricoh's proposed order only addresses the language of the document requests, not the language of the subpoenas.

First, Ricoh raises the specter that “[e]very textbook that mentioned a computer circuit, or any paper or manual the referenced the design or operation of a computer, could be swept into defendants’ indiscriminating definition.” (Status Report at 1:23-25.) This is an issue Ricoh did not raise at the meet and confer (nor did Defendants understand this to be a concern of the Court in its August 24 Order). In any event, this issue is wholly overblown — the requests and subpoenas are limited to documents created by or for Dr. Papaefthymiou for teaching purposes or invention disclosure, and do not seek documents such as general textbooks, papers, or manuals written by others. Should the Court wish to explicitly carve out such documents, Defendants have no objection to that being done.

Second, Ricoh asks this Court to “preserve the right of the Universities to submit their own objections to the subpoenas.” Again, this is not an issue that was raised at the meet and confer. Defendants respectfully suggest that this Court cannot issue an order that does what Ricoh requests. The return date on the subpoenas was August 18. As this Court has previously noted, it lacks jurisdiction directly over the subpoenas, which issued from other Districts. (See Order Denying Motion To Quash.) Thus, this Court cannot change the date by which objections were due pursuant to Rule 45 — it can only limit Defendants’ ability to enforce the subpoenas.¹ (*See, e.g.*, 8/18 Order at 2:3 (“the Court hereby stays ***enforcement*** of the subpoenas for 7 days.”) (emphasis added).)

Dated: August 30, 2006

Respectfully submitted,

HOWREY, LLP

By: /s/ Ethan B. Andelman
Ethan B. Andelman (SBN 209101)
Attorneys for Plaintiff SYNOPSYS, INC., et al.

¹ Notably, only Defendants' proposed order is worded in this fashion; furthermore, it directly addresses the subpoenas, not just the document requests (as Ricoh's proposed order is fashioned).